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10 Smith, and Stewart

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12 IN THE UNITED STATES DISTRICT COURT
13 FOR THE NORTHERN DISTRICT OF CALIFORNIA
14 SAN FRANCISCO DIVISION

15 **HAROLD B. SHAMBURGER,**

16 Plaintiff,

17 v.

18 **R. KIRKLAND, et al.,**

19 Defendants.
20

C 07-4597 JSW (PR)

**DECLARATION OF
KENNETH T. ROOST IN
SUPPORT OF DEFENDANTS'
MOTION FOR SUMMARY
JUDGMENT**

21 I, KENNETH T. ROOST, declare as follows:

22 1. I am an attorney admitted to practice before the courts of the State of California and
23 before this Court. I am employed by the California Attorney General's Office as a Deputy
24 Attorney General in the Correctional Law Section. I am assigned to represent Defendants Cook,
25 Fischer, Foss, Kirkland, McGuyer, O'Neill, Pena, Randolph, Ruff, Smith, and Stewart
26 (Defendants) in this case. I am competent to testify to the following matter, and if called on to do
27 so, I would and could so testify. I submit this declaration in support of Defendants' motion for
28 summary judgment.

1 2. Attached as Exhibit A is a custodian-of-records declaration from Pelican Bay State
2 Prison, where Plaintiff Shamburger is presently housed. The Custodian of Records provided the
3 remaining exhibits, and the Custodian's declaration—attached as Exhibit A—authenticates them.

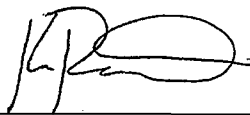
4 3. Attached as Exhibit B is the administrative-grievance history for the grievance
5 identified by appeal-log number D-02-01353, which concerns two other screened-out
6 administrative grievances that Shamburger wished to pursue.

7 4. Attached as Exhibit C is the administrative-grievance history for the grievance
8 identified by appeal-log number D-06-01933, which concerns Shamburger's allegations that
9 evidence used in 2006 to indicate his continuing gang activity was unreliable, and that he was
10 also not receiving timely and meaningful housing-committee reviews.

11 5. Attached as Exhibits D through R is housing-committee documentation demonstrating
12 Shamburger's timely and meaningful housing-committee reviews. Each exhibit indicates a
13 single housing-committee review, and the action taken by the committee.

14 6. These attached documents were provided by the Custodian of Records in response to
15 the Attorney General Office's request for documents from Plaintiff Shamburger's Central File
16 relevant to this action.

17 I declare under penalty of perjury that the foregoing is true and correct to the best of my
18 knowledge and that this declaration is executed on August 14, 2008, at San Francisco, California.

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21 KENNETH T. ROOST
22 Deputy Attorney General
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